

REMARKS/ARGUMENTS

The claims, while not amended, have been listed for the Examiner's convenience.

Claims 1-4 and 24-25 are pending.

Claims 2-23 are withdrawn as the requirement for restriction has been made Final.

Upon entry of the amendment, Claims 1-4 and 24-25 will be active.

No new matter has been added.

The 35 U.S.C. 103(a) rejection of Claims 1-4 by Chheang or Hanrahn in view of Kawaguchi is respectfully traversed.

At the outset, Applicants note that neither combination of the above-listed references describes or suggests the claim limitation of "an aspect ratio of 5-200 for the acicular conductive fillers having a surface layer of gold, silver, nickel or copper." Because no combination of the cited references describes or suggests this important claim limitation, Applicants submit, on this basis alone, that the 35 U.S.C. 103(a) rejection should be withdrawn.

Additionally, Applicants note MPEP 2142 directs that: "objective evidence of secondary considerations such as unexpected results...must be considered in every case where they are present."

Applicants have presented data, in Figure 3, showing that the elastic conductive resin composition of Claim 1 achieves an approximately equal volume resistivity to, while simultaneously requiring significantly less filler than (in several data points, requiring 20% less conductive filler), a similar composition differing from the composition of Claim 1 only by employment of a flake filler. Another way to state this result is that the invention of the Applicants achieves the same conductivity as a comparative flake composition while employing, in several cases, 20% less conductive material. Applicants submit that the cited art is silent as to the result of Figure 3, and that the result described in Figure 3 is therefore

unexpected. That the result is unexpected is also averred in the inventor's declaration filed along with this paper.

The conductive particles of Chheang "may be characterized by a variety of geometries ... spherical, oblong, acicular, platlet-shaped, flake shaped, dendritic, irregular....etc." Chheang, column 10, lines 35-39. Chheang expresses a preference for particles that are "substantially spherical." Chheang, column 10, line 40. Harahan's conductive particles take the shape of a "bead, powder, flake or fiber." Harahan, column 3, line 55. Harahan either expresses no preference for particle shape, or, if Example 3 is taken as an expression of shape preference, a preference for a flake. Harahan, column 11, line 10. Kawaguchi describes that "the particles to be added should preferably have a sphericity as good as possible."

Kawaguchi, column 4, lines 32-34. The combination of Kawaguchi and Chheang would therefore suggest that spherical particles are ideal. The combination of Kawaguchi and Harahan would suggest either a preference for spherically shaped, or flake shaped, particles. Thus, the result achieved by the Applicants' use of acicular particles with an aspect ratio of 5-200 to maintain a prescribed level of conductivity while simultaneously minimizing the use of conducting particles is unexpected in light of the cited art and is, Applicants submit, exactly the type of unexpected result envisioned by MPEP 2142. Applicants also note that the inventive composition, as described in the inventor's declaration, would convey a significant commercial advantage. Withdrawal of the 35 U.S.C. 103(a) rejection is respectfully requested.

Finally, Applicants respectfully request rejoinder and allowance of claims dependent on allowable Claim 1 (e.g., Claims 5-10, 14-19, and 22). Because Claim 1 is allowable these claims are allowable.

In view of the above amendment and remarks, Applicants respectfully submit that the present application is in condition for allowance, and early notification thereof is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Charles J. Andres, Ph.D.
Registration No. 57,537

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)